

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,
Petitioner,

V.

JOHN E. WETZEL, Secretary, :
 Pennsylvania Department of Corrections; :
 ROBERT GILMORE, Superintendent of :
 the State Correctional Institution at Greene; :
 and MARK GARMAN, Superintendent of :
 the State Correctional Institution at :
 Rockview, :
 Respondents. :

No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

STATEMENT OF CONCURRENCE/NON-CONCURRENCE

AND NOW comes Charles Ray Hicks, through counsel, and, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the Middle District of Pennsylvania, respectfully certifies that counsel contacted District Attorney E. David Christine, counsel for Respondents, via electronic mail on January 31, 2019, seeking concurrence in this motion. Counsel has not yet responded. Once counsel does, Petitioner will file an amended concurrence statement.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

Asst. Federal Public Defender

Federal Public Defender for the
Middle District of Pennsylvania

Capital Habeas Unit

100 Chestnut Street, Suite 300

Harrisburg, PA 17101

(717) 782-3843

(kelly_miller@fd.org)

Dated: February 1, 2019

CERTIFICATE OF SERVICE

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

VIA FIRST-CLASS MAIL

E. David Christine, Jr.
District Attorney
Monroe County District Attorney's Office
610 Monroe Street, Suite 126
Stroudsburg, PA 18360
dchristine@monroecountypa.gov

/s/ KELLY D. MILLER
KELLY D. MILLER, ESQUIRE
Asst. Federal Public Defender
PA Bar #307889
100 Chestnut Street, Suite 300
Harrisburg, PA 17101
Tel: 717-782-3843
Fax: 717-782-3966
kelly_miller@fd.org

Dated: February 1, 2019